

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY RSA #4)	
CELLULAR GENERAL PARTNERSHIP FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT ADDITIONAL)	
CELL SITES FOR USE IN CONNECTION WITH)	CASE NO.
THE APPLICANT'S OPERATION OF A CELLULAR)	91-132
TELECOMMUNICATIONS SYSTEM IN RURAL)	
SERVICE AREA #4 OF THE COMMONWEALTH OF)	
KENTUCKY)	

O R D E R

On July 22, 1991, Kentucky RSA #4 Cellular General Partnership ("Kentucky RSA #4") filed a motion requesting the Commission to order Mr. Bradford Stewart, an intervenor, and all other individuals who have filed comments with the Commission to contemporaneously serve Kentucky RSA #4 with copies of any correspondence or other written document filed in the record of this case. Kentucky RSA #4 states that it did not receive a copy of the June 28, 1991 letter to the Commission from the intervenor and other individuals, and alleges that this constitutes ex parte communications with the Commission.

Based on a review of the motion and being otherwise sufficiently advised, the Commission finds that the motion should be denied. The Commission's June 3, 1991 Order granting intervention to Mr. and Mrs. Bradford Stewart specified in Ordering Paragraph 3 that a copy of any documents filed with the Commission should be served on all parties of record. The

Commission recognizes that the intervenor is proceeding pro se and may not have fully understood the obligation to serve copies of documents upon Kentucky RSA #4. With regard to the other individuals, they are not intervenors and have no obligation to serve documents on parties of record. The Commission's policy is to encourage to the fullest extent possible comments and participation by members of the public. To require nonintervenors to serve copies of correspondence on parties of record could likely result in impeding public participation.

Contrary to Kentucky RSA #4's characterization, any correspondence relating to this case is not ex parte communication. All correspondence is placed in the case file and is open for public inspection. The Commission notes that it is not uncommon during formal proceedings for members of the public, as well as elected officials, to send correspondence, documents, and petitions to the Commission for inclusion in the case file. Any applicant has the opportunity to periodically review the official case file to determine whether public correspondence has been received.

IT IS THEREFORE ORDERED that Kentucky RSA #4's motion be and it is hereby denied.

Done at Frankfort, Kentucky, this 1st day of August, 1991.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner